

AN ORDINANCE
BY

AN ORDINANCE TO AMEND CHAPTER 138, STREETS, SIDEWALKS AND OTHER PLACES, ARTICLES I, II, III IV AND V, SO AS TO INCLUDE DEFINITIONS OF NEW TERMS WHERE APPLICABLE; TO REORGANIZE SECTIONS AFFECTING THE PUBLIC RIGHTS-OF-WAY; TO CONSOLIDATE, WHERE APPROPRIATE, VARIOUS SECTIONS PERTAINING TO ENCROACHMENTS, CONSTRUCTION AND EXCAVATIONS IN THE PUBLIC RIGHTS-OF-WAY, BUS SHELTERS, PUBLIC VENDING DEVICES AND TELEPHONES; TO PROVIDE FOR THE GRANTING OF ONE OR MORE NONEXCLUSIVE FRANCHISES FOR TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF ATLANTA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has the authority to regulate the occupation and use of the public Rights-of-Way, commonly referred to as Public Streets and Sidewalks (as hereinafter defined); and

WHEREAS, the City has determined that the Streets and Sidewalks are valuable public resources that have required and will continue to require substantial investment by the City; and

WHEREAS, the City does desire to manage the Streets and Sidewalks and provide for an orderly process by which affected persons may utilize them; and

WHEREAS, the current Chapter 138 of the Code of Ordinances of the City of Atlanta addresses the requirements for changes, excavations, construction and encroachments in the Streets and Sidewalks; and

WHEREAS, the current Chapter 138 is in need of revision and reorganization to clarify various sections pertaining to the Streets and Sidewalks; and,

WHEREAS, the City has the authority to grant franchises and other authorizations for the use and occupancy of the Streets and Sidewalks; and

WHEREAS, the City desires to structure and implement a fair and orderly process for the grant of franchises and other authorizations (and renewals of such franchises and authorizations) to occupy and use the Streets to provide Telecommunications services in the City, including the negotiation of terms and conditions to protect the public interest consistent with applicable law; and

WHEREAS, consistent with applicable law, the City desires to manage the Streets and obtain fair and reasonable compensation from Telecommunications Providers (as

hereinafter defined) on a competitively neutral and nondiscriminatory basis for the use of the Streets; and

WHEREAS, the revision and reorganization of Chapter 138 is intended to complement and accompany the City's introduction of a comprehensive telecommunications ordinance; and

WHEREAS, it is in the best interests of the of the City to have a concise, and clearly understandable streets and sidewalks ordinance which minimizes the inconvenience and disruption to the public, and provides for the orderly and efficient use of the streets and sidewalks now and in the future and preserves adequate capacity for existing and future uses of said streets and sidewalks; and

WHEREAS, the City intends to exercise, to the fullest extent permitted by applicable law, its authority with respect to the regulation of the occupation and use of the streets and sidewalks in connection with the provision of all utility services, including, but not limited to Telecommunications Services.

NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Chapter 138, Articles I, II, III, and IV of the Code of Ordinances be amended by deleting Sections 138-1 through 138-136 in their entirety and be replaced with the following:

Proposed Table of Contents
Chapter 138

**STREETS, SIDEWALKS AND
THE PUBLIC RIGHT-OF WAY**

Article I. In General

- Sec. 138-1. Definitions
- Sec. 138-2. Interest of City
- Sec. 138-3. Authority to regulate assigned to Commissioner of Public Works
- Sec. 138-4. Enforcement, Penalties, Violations
- Sec. 138-5. Alleys
- Sec. 138-6. Standard specifications adopted
- Sec. 138-7. Approval of design, construction, repair
- Sec. 138-8. Street name changes
- Sec. 138-9. Vacating and abandoning streets

- Sec. 138-10. Dangerous or hazardous conditions near the right-of-way
- Sec. 138-11. Digging up and carrying away materials in the right-of-way
- Sec. 138-12. Depositing, dumping or storing material in street or sidewalk
- Sec. 138-13. Affixing signs within the right-of-way
- Sec. 138-14. Maintenance of sidewalk area
- Sec. 138-15. Obstructing sidewalks by display or sale of goods
- Sec. 138-16-138-19. Reserved

Article II. Encroachments

Division 1. In General

- Sec. 138-20. Minimum requirements for changes, excavations or encroachments in the right-of-way for any purpose other than its intended use a public street or highway.
- Sec. 138-21. Commissioner of Public Works to issue rules and regulations
- Sec. 138-22. Non-Conforming encroachments
- Sec. 138-23. Obligation to relocate upon notice
- Sec. 138-24. Conditions of permit
- Sec. 138-25. Permit, Inspection and Disruption fees
- Sec. 138-26. Erection of bridges, tunnels or similar structures across streets or alleys
- Sec. 138-27. Erection of balconies over sidewalks

Division 2. Utilities

- Sec. 138-28. Franchise utilities

Secs. 138-29 through 138-39 reserved

Division 3. Poles, Conduits and Wires???

- Sec. 138-40. Poles.
- Sec. 138-41. Conduits
- Sec. 138-42. Location of Certain electrical wires

Division 4. Bus Shelters

- Sec. 138-43 Bus Shelters

Division 5. Vending Devices and Telephones

- Sec. 138-44. Publication Vending Devices Definitions
- Sec. 138-45. Enforcement, violations and penalties
- Sec. 138-46. Permit
- Sec. 138-47. Hold-harmless agreement
- Sec. 138-48. Projection onto public streets
- Sec. 138-49. Dangerous condition or obstruction
- Sec. 138-50. Identification
- Sec. 138-51. Standards for installation and maintenance in designated areas
- Sec. 138-52. Maintenance; advertising prohibited
- Sec. 138-53. Abandonment

Secs. 138-54 through 138-59 reserved.

Division 6. Flags, Banners, Signs, Displays

- Sec. 138-60 Flags, Banners, Signs, Displays
- Sec. 138-61 -138-64 reserved

Article III. Construction or excavation in the Right-of-way

- Sec. 138-65. Permit required
- Sec. 138-66. Neighborhood identification signs
- Sec. 138-67. Pedestrian access
- Sec. 138-68. Inspection charges to utility companies
- Sec. 138-69. Fee for opening pavement within five years.
- Sec. 138-70. Work done by public utilities
- Sec. 138-71. Availability of material and equipment before starting work
- Sec. 138-72. Building adjoining viaduct, bridge or tunnel
- Sec. 138-73. Protection for gas lines

Sec. 138-74 through 138-75. Reserved

Article IV. Improvements within the Right-of Way

Division 1. Generally

- Sec. 138-76. Cost and fees of street paving city assessed against abutting property owners
- Sec.138-77. Engineering and inspection fees for improvements by owner or developer
- Secs. 138-78 through 138-80 reserved.

Division 2. Streets

- Sec. 138-81. Notice to contractor and public utilities of paving.
- Sec. 138-82. Closing of streets during paving operations
- Sec. 138-83. Closing of streets during construction of bridges, viaducts and similar structures.
- Sec. 138-84. Speed humps—Installation.
- Sec. 138-85. Same—Removal.

Division 3. Sidewalks, Curbs, Curbs and Gutters and Driveways

- Sec. 138-96. Schedule of charges for construction or repair.
- Sec. 138-97. Construction of sidewalks, driveways and curbs in multifamily residential, commercial and industrial zoning districts.
- Sec. 138-98. Constructing sidewalks, driveways and curbs by private contractors.
- Sec. 138-99. Permit required for construction of driveways or sidewalks on streets.
- Sec. 138-100. Notice to abutting property owners prior to construction of sidewalks.
- Sec. 138-101. Additional standards for replacement or reconstruction of sidewalks in certain districts and areas.
- Sec. 138-102. Additional standards for limited local residential streets in new subdivisions.
- Sec. 138-103. Inspection of sidewalks.
- Sec. 138-104—138-125. Reserved.

Article V. Telecommunications

Division 1. Definitions

- Sec. 138-126. Definitions

Division 2. Granting Authority and Franchising Procedure

- Sec.138-127 Granting Authority
- Sec. 138-128 Compliance with Rules, Permits Required
- Sec. 138-129 Submission of Application for Franchise or Revocable License

- Sec. 138-130 Compliance with all Legal Requirements
- Sec. 138-131 Agreement Required
- Sec. 138-132 Factors for Review of Application
- Sec. 138-133 Procedure for Consideration of and Action on Applications
- Sec. 138-134 Terms and Conditions of Franchise
- Sec. 138-135 Terms and Conditions of Revocable License
- Sec. 138-136 Renewal Applications
- Sec. 138-137 Renewal Determinations
- Sec. 138-138 Obligation to Cure as Condition of Renewal
- Sec. 138-139 Surety, Security Fund and Bonding Requirements

Secs. 138-140 through 138-160 reserved.

Division 3. General Provisions

- Sec. 138-161 Severability
- Sec. 138-162 Coordination and Interpretation
- Sec. 138-163 Amendments to Ordinance

Article VI. Outdoor Festivals(leave as is in present Chapter 138)

Division 1. Generally.

- Sec. 138-186. Title.
- Sec. 138-187. Definitions
- Sec. 138-188. Scope.
- Secs. 138-189—138-200. Reserved.

Division 2. Permit

- Sec. 138-201. Application.
- Sec. 138-202. Review of application.
- Sec. 138-203. Criteria for grant of permit.
- Sec. 138-204. Classification and approval.
- Sec. 138-205. Permit fees.
- Sec. 138-206. Other permits and licenses.
- Sec. 138-207. Notice of denial and appeal.
- Sec. 138-208. Appeals.
- Secs. 138-209—138-230. Reserved

Article VII. Parades (leave as is in present Chapter 138)

Division 1. Generally

- Sec. 138-231. Title.
- Sec. 138-232. Definitions.
- Sec. 138-233. Interference.
- Sec. 138-234. Driving through parade.
- Sec. 138-235. Parking on parade route.
- Secs. 138—236—138-245. Reserved.

Division 2. Permit

- Sec. 138-246. Required; authority of police chief.
- Sec. 138-247. Application.
- Sec. 138-248. Criteria for issuance.
- Sec. 138-249. Notice of denial.
- Sec. 138-250. Appeal of denial.
- Sec. 138-251. Alternate date, time or route.
- Sec. 138-252. Copies sent upon issuance.
- Sec. 138-253. Contents.
- Sec. 138-254. Compliance; possession of permit.
- Sec. 138-255. Revocation.

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BY *[Signature]*
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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred	8/7/00
Referred To:	City Council
Date Referred	
Referred To:	
Date Referred	
Referred To:	

First Reading

Committee	
Date	
Chair	
Referred to	

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd Readings
- ☐ Consent
- ☐ V Vote
- ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

**Large
Document
Attached**